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Attorney for Defendant
James Skahan-Lowe

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
The Honorable Stanley A. Bastian

United States of America,

Plaintiff,

v.

James Skahan-Lowe,

Defendant.

No. 1:22-CR-2079-SAB

**Defendant's Sentencing
Memorandum**

“There was a lot of abuse and hate in the home.” That’s what James Skahan-Lowe recalls of his childhood. James wasn’t riding bikes, playing catch, or playing with his friends. He was being emotionally abused, physically abused, and sexually abused. He was being thrown against a tree and urinated on. ECF No. 31. This was James’ life as a boy.

1 Now James faces a significant term of imprisonment that will run consecutive
2 to another state sentence of 87 months. Considering the 3553(a) factors a sentence of
3 96 months imprisonment is sufficient to meet the goals of sentencing.
4

5 **I. Base Offense Level and Enhancements**

6 Mr. Skahan-Lowe previously filed his objections.

7 **II. Departures**

8 Mr. Skahan-Lowe is not seeking a downward departure.
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10 **III. Sentencing Factors Under 18 U.S.C. § 3553(a)**

11 A sentencing court is directed to “impose a sentence sufficient, but not greater
12 than necessary to accomplish the goals of sentencing.” *Kimbrough v. United States*, 128
13 S.Ct 558, 570 (2007). A sentence should provide hope to the individual that he, or
14 she, still has a future, and there is still a possibility to be productive in the community
15 when released from imprisonment. Rehabilitation is just as an important goal of
16 sentencing as punishment and deterrence. However, rehabilitation “cannot be served
17 if a defendant can look forward to nothing beyond imprisonment. Hope is the
18 necessary condition of mankind, for we are all created in the image of God. A judge
19 should be hesitant before sentencing so severely he destroys all hope and takes away
20 all possibility of a useful life. Punishment shouldn’t be more severe than necessary to
21 satisfy the goals of sentencing.” *United States v. Carvajal*, 2005 WL 476125 (S.D.N.Y.
22 Feb. 22, 2005) (unpub.).
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1 Therefore, considering the sentencing factors, a sentence of 96 months meets
2 the goals of sentencing and gives James hope that he can still change his life and be a
3 productive member of his community.
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5 **1. Nature and Circumstances of the Offense.**

6 The nature and circumstances of the offense are serious. Mr. Skahan-Lowe
7 assaulted a person with a gun. Mr. Skahan-Lowe confronted the victim about being
8 in the area. Shortly thereafter, he hit the victim with the gun and threatened him.
9 When Mr. Skahan-Lowe spoke with the probation officer, he admitted he was under
10 the influence at the time and felt a lot of anger and animosity. Mr. Skahan-Lowe
11 indicated he was sorry for what he did to the victim. Based on the offense conduct a
12 sentence of 96 months is sufficient to meet the goals of sentencing.
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15 **2. History and Characteristics of Mr. Skahan-Lowe.**

16 While Mr. Skahan-Lowe has a concerning criminal history, however, there is
17 more to his background than just his criminal history. Mr. Skahan-Lowe's childhood
18 was very turbulent and traumatic. So much abuse for a little boy to endure. Because
19 of the abuse and neglect, Mr. Skahan-Lowe and his siblings were removed from the
20 home by CPS and placed in foster care. However, Mr. Skahan-Lowe ran away and at
21 some point, lived with his grandparents.
22

23 Even though living with his grandparents was a better environment for Mr.
24 Skahan-Lowe, he still felt neglected, angry, and confused. "He felt he had no stability,
25

1 which caused him anxiety. He took his emotions out on others that did not deserve
2 it. . . These emotions played out in school as well, he started using controlled
3 substance and drinking alcohol.” [ECF No. 31 at pg. 19]. To find a sense of
4 acceptance and family, Mr. Skahan-Lowe joined a gang, but is no longer a part of the
5 gang.
6

7 Mr. Skahan-Lowe’s grandmother, Deanna Skahan, indicated he is angry and
8 cannot get past his abuse. She indicated Mr. Skahan-Lowe joined “a gang to get
9 approval because he never got it from his mother.” Ms. Skahan indicated sometimes
10 Mr. Skahan-Lowe made statements that he wished he never been born. Ms. Skahan
11 indicated that his alcohol and drug use were factors in his offense. His grandmother’s
12 comments show how difficult it has been for Mr. Skahan-Lowe to live and find some
13 sort of happiness or joy, or to experience good things in his life.
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16 Mr. Skahan-Lowe suffered from significant abuse as a child. The effect of this
17 abuse is ongoing. As an adult he suffered from night terrors and sought counseling.
18 He was prescribed medication, but he stopped using them. He believes if he had
19 talked with someone about his mental health, this offense might not have happened.
20 To deal with his anxiety and anger, Mr. Skahan-Lowe used alcohol and drugs at an
21 early age. He used methamphetamine, alcohol, and marijuana until his arrest. Mr.
22 Skahan-Lowe intends to participate in both mental health and substance treatment
23 while in custody and after his release.
24
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1 Mr. Skahan-Lowe's history and characteristics show someone whose battled
2 depression, anxiety, fear, and anger for a very long time, since he was a little boy.
3 Instead of being cared for, loved, and protected, he was beaten, humiliated, degraded,
4 and abused. Mr. Skahan-Lowe became angry, used drugs and alcohol, and turned to
5 negative influences to deal with his childhood abuse and find a place to belong. What
6 he did to the victim was wrong and terrifying, and a sentence of imprisonment is
7 appropriate, but considering Mr. Skahan-Lowe's background, a sentence of 96 is
8 sufficient to meet the goals of sentencing. This sentence will not begin until after his
9 state sentence is complete, so Mr. Skahan-Lowe will likely be incarcerated for about
10 12 to 13 years of his life. That's long enough.

13 Conclusion

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15 Mr. Skahan-Lowe respectfully requests the Court impose a sentence of 96
16 months imprisonment. He also requests the Court recommend he be permitted to
17 participate in the substance abuse treatment programs and participate in vocational
18 training.

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Defendant's Sentencing
Memorandum- 5

1 Dated: January 23, 2023.

2 Respectfully Submitted,

3 s/Alex B. Hernandez, III

4 Alex B. Hernandez, III, 21807

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CERTIFICATE OF SERVICE

I certify that on January 23, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to: Thomas J. Hanlon, Assistant United States Attorney, and Carrie A. Valencia, United States Probation Officer.

s/Alex B. Hernandez, III
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Attorney for James Skahan-Lowe